



Austin City Council MINUTES

NOVEMBER 17, 1994

Mayor Todd called to order the meeting of the Council, noting the temporary absence of Councilmembers Mitchell and Reynolds.

MINUTES APPROVED

Approval of Minutes for Regular Meeting of November 3, 1994 and Special Meetings of October 19, 1994, November 2, 1994 and November 3, 1994

Approved Minutes of Special Meetings of October 19, 1994, November 2, 1994, and November 3, 1994; Regular Meeting Minutes of November 3, 1994 postponed, on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 5-0 vote, Councilmembers Mitchell and Reynolds temporarily absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Roger Baker, to discuss matters arising.
3. Mr. John Lewis, to discussion S.O.S. Ordinance application.
4. Mr. Tom Smith, to discuss signs and street numbering system; tourist signage and building numbering requirements.
Not present
5. Mr. Richard Trachtenberg, to discuss City issues.
6. Mr. Shaun Stenshol, to discuss matters arising.
7. Mr. Buell Steelman, to protest police harassment of Critical Mass bike ride of October 28, 1994.
8. Mr. Leopoldo Rodriguez, to discuss harassment of cyclist at Critical Mass rides by the Austin Police Department.
9. Mr. Brendan Guilfoyle, to protest police harassment of Critical Mass and demand formation of Citizen Review Board.
10. Mr. Jerry Ruiz, to discuss and protest police harassment and abuse of their authority during Critical Mass bicycle rides.
11. Ms. Erin Rogers, to protest extreme violence and harassment by police on Critical Mass bicycle rides.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Amend the Austin City Code by modifying the Basic Traffic Ordinance Section 16-4-4 (E), Speed Limits, for the installation of a 25 mph school zone on West 5th Street for students attending Austin High School. (Funding in the amount of \$1,000 for flashing equipment is available in the 1994-95 Child Safety Fund for the Department of Public Works and Transportation).
Ordinance 941117-A approved

13. Amend Ordinance No. 940912-E, the 1994-95 Capital Budget of the Parks and Recreation Department by declaring all approved projects within Proposition 23 of the 1984 Bond Election complete, and transferring the remaining balance (\$115,283) of these projects and \$9,717 from the Deep Eddy Pool Repair project to the new Pool Chlorination Project. Total appropriation for Pool Chlorination is \$125,000. Amend Ordinance No. 940912-D, the 1994-95 operating budget by reducing the General Fund Contingency Reserve by \$175,000 and increasing the appropriation for the Parks and Recreation Department General Fund by \$175,000. Ordinance 941117-B approved

14. Amend Ordinance No. 940912-D, the 1994-95 operating budget by increasing General Fund Parking Violation Fine revenue by \$125,000, increasing the appropriation for the Municipal court by \$62,500 and increasing the General Fund Ending balance by \$62,500. (Related to Item 15) Ordinance 941117-C approved

Items 12-14 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 7-0 vote.

15. Approve negotiation and execution of a twelve (12) month revenue contract with MUNICIPAL SERVICES BUREAU, Austin, Texas, for the collection of delinquent Municipal Court parking tickets, for an estimated net revenue of \$62,500. (Estimated revenue of \$125,000 is included in the 1994-95 General Fund of Municipal Court, resulting in \$62,500 in net revenue to the 1994-95 General Fund ending balance.) (Related to Item 14)

Approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0-1 vote, Councilmember Mitchell abstaining.

16. Approve a construction contract award to HILMAN CONSTRUCTORS, INC., Austin, Texas, for improvements to the Austin History Center, located at 810 Guadalupe Street, in the amount of \$1,153,865. (Funding was included in the 1992-93 Capital Budget of the Library Department.) Low bid of five (5). 3.54% MBE, 2.7% WBE Subcontractor participation. Approved

17. Approve a construction contract award to AUSTIN BRIDGE & ROAD, Austin, Texas, for rehabilitation of the Robert Mueller Municipal Airport east perimeter road pavement, in the amount of \$89,859.80. (Funding was included in the 1993-94 Capital Budget of the Aviation Department.) Low bid of five (5). DBE Subcontractor participation: 36.32% (30.42% MBE, 5.81% WBE). [Reviewed by the Airport Advisory Board] Approved

Items 16-17 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-1 vote, Councilmember Mitchell voting No.

18. Approve a construction contract award to INDUSTRIAL CONSTRUCTION CO., (MBE), Universal City, Texas, for construction of curb ramps in the Central Business

District to comply with the Americans with Disabilities Act (ADA), in the amount of \$196,980. (Funding was included in the 1994-95 Capital Budget of the Department of Public Works and Transportation.) Low bid of eight (8). 3.58% MBE, 2.44% WBE Subcontractor participation.

Approved on Councilmember Garcia's motion, Councilmember Goodman's second, 7-0 vote.

ORDINANCES AND RESOLUTIONS - All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Councilmember.

ORDINANCES

19. Approve second reading of a franchise to Metro Access Network, Inc. for a term of seven (7) years with a three (3) year renewal option, to provide competitive access" communication services, and install permanent facilities in the City's rights-of-way.

2nd reading approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0-1 vote, Mayor Pro Tem Nofziger abstaining.

20. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 11100 Block of F.M. 620, Case No. C14-93-0032, from "DR", Development Reserve and "SF-2", Single Family Residence (standard lot) to "GR-CO", Community Commercial-Conditional Overlay, SKRUDLAND PHOTO, INC. (Eric Skrudland), by The Faust Group (Bill Faust). First reading on May 6, 1993; Vote 5-0, Councilmember Nofziger absent). Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.
Ordinance 941117-D approved

21. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 7100 West U.S. Hwy. 290, Case No. C14-93-0154, from "RR", Rural Residence to "GR-CO", Community Commercial-Conditional Overlay, ALBERTSON'S INC. (James Spitzer), by Austin Permit Service (Melissa Whaley). First reading on February 24, 1994; Vote 5-0, Mayor Todd out of the room. Second reading on October 6, 1994; Vote 6-0, Councilmember Goodman absent. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council on second reading.
Ordinance 941117-E approved

Items 20-21 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 7-0 vote.

22. Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Manchaca Rd & Davis Lane, Case No. C14-93-0148, from "DR", Development Reserve to "SF-2", Single Family Residence (standard lot) for Tract 1 and "LR", Neighborhood Commercial for Tract 2, JNMD

(Jeanette Carroll), by Mathias Co. (Mike McBride). First reading on February 3, 1994; Vote 6-0; Councilmember Urdy absent. Conditions: Applicant wishes to amend conditions imposed by Council at 1st reading to conditions that reflect the neighborhood's desires.

2nd reading approved and noted that the Applicant and Neighborhood Groups are in concurrence upon Councilmember Goodman's motion, Councilmember Reynolds' second, 6-0 vote, Mayor Todd absent.

23. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 12501 Silver Spur, Case No. C14-94-0042, from "NO", Neighborhood Office to "LO-CO", Limited Office-Conditional Overlay, RAYMOND & GRACIE KOCH, by Republic Commercial Construction (Dawnetta Hodge). First reading on June 9, 1994; Vote 5-0, Councilmember Reynolds absent. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council. Street deed has been executed.
Ordinance 941117-F approved
24. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 4400 to 4800 Far West Boulevard, Case No. C14-94-0055, from "PUD", Planned Unit Development to "SF-2-CO", Single Family Residence (standard lot)-Conditional Overlay; "DR-CO", Development Reserve-Conditional Overlay; and "RR-CO", Rural Residence-Conditional Overlay, LEMUEL SCARBROUGH, by Graves, Dougherty, Hearon & Moody (Wm. Terry Bray). First reading on July 23, 1994; Vote 6-0, Councilmember Reynolds absent. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.
Ordinance 941117-G approved
25. Approve issuance by Northwest Austin Municipal Utility District of Unlimited Tax (District) Bonds, Series 1994, in an amount not to exceed \$2,000,000; approving the terms, conditions and covenants of the Bond Resolution, Notice of Sale, Bid Instructions, Form of Bid, and the Preliminary Official Statement. (No fiscal impact.) [Recommended by the Water and Wastewater Commission]
Ordinance 941117-H approved
26. Amend Ordinance No. 940912-D, the 1994-95 operating budget, by appropriating \$206,660 from the General Fund Contingency Reserve to the Health and Human Services Department and converting 53.00 Full-Time Equivalent (FTE) positions. (Recommended by the Animal Advisory Board)
Ordinance 941117-I approved
27. Amend Ordinance No. 940912-D, the 1994-95 operating budget, by increasing the number of City FTE positions reimbursed by the County from 81.75 to 87.25; amending the Health and Human Services Department operating budget for the General Fund by \$108,475 and for the FOHC fund by \$48,875 and expense refunds by the same amount. (Funding in the amount of \$157,350 is available from Travis County.)
Ordinance 941117-J approved
28. Authorize acceptance of \$59,058 in grant funds from the Texas Economic Council on Workforce and Economic Competitiveness for developing a workforce board and

transition plan; amend Ordinance No. 940912-D, the 1994-95 operating budget, amending the Special Revenue Fund by appropriating \$59,058 in grant funds for the Human Resources Department's special revenue fund.
Ordinance 941117-K approved

29. Approve Site Development Plan and Applicable Development Regulations for the New Austin Airport at Bergstrom. (Permit fee will not exceed \$55,000 - Funding is available in the 1994-95 Capital Budget for Aviation)
Ordinance 941117-L approved

Items 23-29 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 7-0 vote.

30. Amend Ordinance No. 940912-D, the 1994-95 General Fund operating budget by decreasing the General Fund Contingency Reserve and increasing the General Fund transfer out to the Capital Budget by \$577,419; Amend Ordinance No. 940912-E, the 1994-95 Capital Budget increasing the General Fund Transfer in by \$577,419 and reducing the Contingency FY 95 Project by \$195,581 and increasing the appropriation of the Capital Budget for the Parks and Recreation Department for the Zaragoza Recreation Center project by a total of \$773,000. (Related to Item 31)
Deleted

RESOLUTIONS

31. Approve a construction contract award to CONSTRUCTORS & ASSOCIATES, Austin, Texas, for the construction of the Zaragoza Recreation Center, in the amount of \$2,531,500. (Funding was included in the amended 1994-95 Capital Budget for the Parks and Recreation Department.) Low bid of three (3). 27.61% MBE, 7.45% WBE Subcontractor Participation. (Related to Item 30)
Deleted
32. Approve the selection of DATUM ENGINEERING, INC., Austin, Texas, and authorize negotiations and execution of a professional services agreement for design services for the Parking Structure for the New Austin Airport, in an amount not to exceed \$1,200,000. (Funding was included in the 1994-95 Capital budget of the Aviation Department.) Best qualification statement of six (6). DBE participation 40%: 40% MBE, 0% WBE.

Approved the selection of Jose I. Guerra Engineering, Inc., on Councilmember Mitchell's motion, Councilmember Garcia's second, 6-0 vote, Mayor Todd absent.

Brackenridge Hospital (Items 33-38)

33. Approve the selection of GRAEBER, SIMMONS AND COWAN, AIA Architects, Austin, Texas, to provide architectural and engineering services, from design to warranty,

for the Children's Hospital surgery expansion project, in an estimated amount of \$1,500,000. (Funding was included in the 1991-92 Capital budget of Brackenridge Hospital.) Best qualification statement of nine (9). 14% MBE, 6.5% WBE Subcontractor participation. (Recommended by the Hospital Board)
Approved

34. Approve the selection of O'CONNELL ROBERTSON & ASSOCIATES, Austin, Texas, to provide architectural and engineering services, from design to warranty, for the Neonatal Intensive Care Unit project, in an estimated amount of \$1,000,000. (Funding was included in the 1993-94 amended Capital budget of Brackenridge Hospital.) Best qualification statement of eight (8). 13% MBE, 5% WBE Subcontractor participation. (Recommended by the Hospital Board)
Approved

35. Approve a construction contract award to R.N. EVANS GENERAL CONTRACTORS, INC., Leander, Texas, for construction of the pediatric lower level of the Children's Hospital, in the amount of \$309,611. (Funding was included in the 1991-92 Capital budget of Brackenridge Hospital.) Low bid of five (5). 11.2% MBE, 6.1% WBE Subcontractor participation. (Recommended by the Hospital Board)
Approved

36. Approve the selection of THE BOWER-DOWNING PARTNERSHIP, Austin, Texas, to provide architectural and engineering services, from design to warranty, for the Adult Outpatient Services Center/Imaging Center/Cardiology project, in an estimated amount of \$800,000. (Funding was included in the 1991-92 Capital budget of Brackenridge Hospital.) Best qualification statement of seven (7). 11.5% MBE, 5% WBE Subcontractor participation. (Recommended by the Hospital Board)
Approved

37. Approve execution of a twelve (12) month supply agreement with DIFCO LABORATORIES, Livonia, MI, for automated blood culture instrument and reagents used to test and read bacteria growth, in an amount not to exceed \$82,404 including an option to extend thereafter for up to four (4) additional twelve (12) month periods in an amount not to exceed \$82,404 per extension, for a total amount not to exceed \$412,020. (Funding is available in the 1994-95 operating budget of Brackenridge Hospital. Funding for the extension options is contingent upon available funding in future budgets.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified.
Approved

38. Approve negotiation and execution of a contract with SIEMENS ROLM COMMUNICATIONS, INC., Austin, Texas, for the purchase of an upgrade to the telecommunications network at Brackenridge Hospital, in an amount not to exceed \$749,987. (Funding is included in the 1993-94 amended Capital Budget of Brackenridge Hospital.) Sole Source. No M/WBE Subcontracting opportunities were identified. (Recommended by Hospital Board)
Approved

39. Authorize negotiation and execution of amendments to three (3) contracts for the provision of comprehensive youth services under the Strategic Intervention for High Risk Youth (SIHRY) demonstration grant program with AUSTIN CHILD GUIDANCE CENTER, in the amount of \$33,176 for a total contract amount of \$100,890; BIG BROTHERS/BIG SISTERS, in the amount of \$62,203, for a total contract amount of \$135,375 and YOUTH ADVOCACY, INC., in the amount of \$218,375, for a total contract amount of \$569,010; and extending the contracts through July 31, 1995. (Funding in the amount of \$150,620 is provided from the Center on Addiction and Substance Abuse, Inc. at Columbia University (\$59,660 from prior grant years); \$152,614 from the U.S. Department of Justice (\$95,305 from prior grant years); and \$10,520 (from FY 1993-94) Electric Department.
Approved
40. Authorize application for \$400,000 in grant funds from the Texas Department of Protective and Regulatory Services for the Texas Families Together and Safe Program.
Approved
41. Approve a construction award to D.L. MEACHAM CONSTRUCTION COMPANY, INC., Houston, Texas, for the Davis Lane 10 Million Gallon Reservoir Coating and Safety Improvements Project located at the Davis Lane Reservoir and Pump Station site, in the amount of \$532,554. (Funding was included in the 1993-94 amended Capital budget of the Water and Wastewater Utility.) Low bid of eight (8). 3.94% MBE, .84% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)
Approved
42. Approve execution of a construction contract award to AUS-TEX PLUMBING-HEATING-AIR CONDITIONING, INC., Pflugerville, Texas, for modifications to the heating, ventilation, and air-conditioning system at the Walnut Creek Wastewater Treatment Plant, in the amount of \$418,718. (Funding was included in the 1991-92 approved Capital budget of the Water and Wastewater Utility.) Low bid of two (2). 5.56% MBE, 13.41% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)
Approved
43. Approve the selection of HARUTUNIAN ENGINEERING, INC., (WBE), Austin, Texas, to provide engineering and associated services for the Wastewater Treatment Plants Electrical Distribution System Improvements Project, in the estimated amount of \$400,000. (Funding was included in the 1993-94 Capital budget of the Water and Wastewater Utility.) Best qualification statement of three (3). 10% MBE, 5% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)
Approved
44. Authorize negotiation and execution of an Emergency Water Service Contract with the Estates of Shady Hollow Water Supply Corporation. (The Utility will receive an annual readiness to serve fee of approximately \$5,000 plus a per 1,000 gallon rate on all volumes actually used during an emergency event.) [Recommended by the Water and Wastewater Commission]
Approved

45. Approve an amendment to the Wholesale Water Service Contract with Hill Country Water Supply Corporation authorizing expansion of designated service area to serve the customers of Kemp Hills Utilities, Inc. (The Utility will receive \$36,624 in Capital Recovery Fees (CRF) for existing customers and will collect future CRF's as new customers come on line. The Utility will also collect from additional water sales revenues to Hill Country WSC.) [Recommended by the Water and Wastewater Commission]
Approved
46. Approve negotiation and execution of a developer agreement with Ira Yates for construction of a 16" water main and other facilities needed for permanent water service within and near Oconomowoc East and West Subdivisions. (Cost participation for oversizing of Phase I is estimated at \$70,000. Funding is available in the Water and Wastewater Utility (Approach Main/Refund Contracts) in three (3) annual installments commencing March 1, of the year following the acceptance of Phase I improvements. Phase II cost reimbursement payments are estimated at \$300,000 and will be made quarterly in amounts equivalent to City Water and Wastewater Capital Recovery Fees collected for connections within Oconomowoc East and West. Payments will commence upon acceptance of Phase II and will continue until the actual cost of Phase II improvements are paid or the expiration of ten (10) years. (Recommended by the Water and Wastewater Commission)
Approved
47. Authorize negotiation and execution of a License Agreement with SOUTHWESTERN BELL TELEPHONE COMPANY to locate, construct, maintain and operate an aerial fiber optic cable along the Giddings-to-Llano Railroad Right-of-way. (All costs to be paid by Southwestern Bell.)
Approved
48. Approve an increase in authorized expenditures for replacement and rehabilitation of the bridge on Mount Bonnell Road at Water Plant Road under an Interlocal Agreement with the TEXAS DEPARTMENT OF TRANSPORTATION, in the amount of \$56,000, for a total amount of \$160,000. (Funding was included in the 1994-95 Capital budget of the Public Works Department.)
Approved
49. Approve execution of a contract with DAVIS TRUCK & EQUIPMENT COMPANY, San Antonio, Texas, for the purchase and installation of twenty-five (25) hydraulic tipping devices to be mounted on the rear of refuse trucks, in the amount of \$96,750. (Funding is available in the 1994-95 operating budget of the Solid Waste Services Department.) Sole Source. No M/WBE Subcontracting opportunities were identified.
Approved
50. Approve execution of a contract with RIVER CITY RENTALS, Austin, Texas, for the purchase of one (1) steel wheel vibratory roller, in an amount not to exceed \$62,540. (Funding is available in the 1994-95 Transportation Fund.) Low bid of eight (8). No M/WBE Subcontracting opportunities were identified.
Approved

51. Approve ratification of Contract Modification Two with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED, INC., Austin, Texas, which provided for additional de-bagging of leaves, grass clippings and yard mulch at the Composting Site at the Hornsby Bend Water and Wastewater Treatment Facility, in the amount of \$46,763.75 increasing the total contract amount from \$34,996.50 to \$81,760.25. (Funding is available in the 1993-94 operating budget of the Solid Waste Services Fund.)
Approved

52. Approve execution of a twelve (12) month supply agreement with PRECEPT AUSTIN, Austin, Texas, for the printing of utility statements and termination notices, in an amount not to exceed \$48,540 with two (2) twelve (12) month extension options in an amount not to exceed \$48,540 per extension option, for a total amount not to exceed \$145,620. (Funding in the amount of \$40,450 is available in the 1994-95 operating budget of the Utility Customer Service Office. Funding for the remaining two months of the original contract and extension options is contingent on available funding in future operating budgets.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified.
Approved

53. Approve amendments to the City of Austin's federally funded Neighborhood Support Program (NSP) guidelines. (No fiscal impact.) [Reviewed by Community Development Commission; to be reviewed by Housing Subcommittee on November 14, 1994.] [Recommended by Housing Subcommittee]
Approved

Items 33-53 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 7-0 vote.

54. Approve the 1995 Legislative Program.

Approved on Councilmember Garcia's motion, Councilmember Shea's second, 5-0 vote, Councilmember Goodman out of the room, Mayor Todd absent.

55. Set a public hearing regarding Austin CableVision's basic tier rate and related equipment and installation charges. (Suggested date and time: December 1, 1994 at 5:30 p.m.)

Approved on Councilmember Garcia's motion, Councilmember Goodman's second, 7-0 vote.

3:00 P.M. ELECTRIC UTILITY - (Items 56-76)

56. Electric Utility Commission Report - Marilyn Jones, Chair

57. Resource Management Commission Report - Peter Pfeiffer, Chair

58. Monthly Management Report - John Moore

59. Approve a contract to purchase approximately 3 mega watts of electrical capacity and energy from Alternative Power Limited Partnership, from a methane gas fueled electric generation facility to be constructed on the Browning Ferris Industries, Inc. landfill on Giles Road, Austin, Texas, for a term of twenty-five (25) years. (The expense will be recovered monthly as part of the electric utility fuel adjustment factor. The estimated cost of purchased power under this contract is approximately \$11,000,000 over 25 years and approximately \$900,000 in the first year of operation, which is expected to be in 1995-96). No M/WBE Subcontracting opportunities were identified.
Postponed until December 1, 1994
60. Approve execution of a twelve (12) month coal supply contract with KERR-MCGEE COAL COMPANY, Oklahoma City, Oklahoma, for the purchase of coal for the Fayette Power Project, in an estimated amount of \$3,521,850. [Funding in the amount of \$2,641,388 (75%) for 1994-95 will be provided through Electric Fuel Charge revenue. \$880,462 (25%) is estimated for 1995-96 and will also be provided through Electric Fuel Charge revenue.] Low bid of six (6). No M/WBE Subcontracting opportunities were identified.
Approved
61. Approve execution of a twelve (12) month spot market supply contract with KERR-MCGEE COAL COMPANY, Oklahoma City, Oklahoma, for the purchase of coal for the Fayette Power Project, in an estimated amount of \$640,173. [Funding in the amount of \$480,130 (75%) for 1994-95 will be provided through Electric Fuel Charge revenue. \$160,043 (25%) is estimated for 1996 and will also be provided through Electric Fuel Charge revenue.] Low bid of six (6). No M/WBE Subcontracting opportunities were identified.
Approved
62. Approve execution of a contract with U.S. ELECTRICAR, Santa Rosa, California, for the purchase of one (1) electric powered pickup truck, in the amount of \$48,470. (Funding in the amount of \$26,012.50 was included in the 1994-95 Capital Budget for the Electric Utility; \$22,457.50 will be reimbursed to the City from the Texas Engineering Experiment Station, as part of the Texas A&M University system under contract with the Department of Energy.) Sole Source. No M/WBE Subcontracting opportunities were identified.
Approved

Energy Conservation (Items 63-76)

63. Amend Ordinance No. 940912-D, the 1994-95 operating budget for the Conservation Rebates and Incentives Fund by increasing appropriations by \$150,000, and increasing expense refunds from the Electric Utility by \$150,000; amend the Electric Utility Fund by increasing appropriations by \$150,000 for Energy Conservation Rebates and Incentives expenses. (Funding is available from the Electric Utility Department.)
Ordinance 941117- N approved

54. Approve the issuance of a Letter of Intent and a rebate in the amount of \$87,086.00 to Tracor, Inc., located at 6500 Tracor Lane, for the installation of a high efficiency lighting conversion system. This conversion equipment installation will save an estimated 221.54 kilowatts at a cost of \$217.00 per kilowatt saved. (Funding is available in the 1994-95 operating budget of the Conservation Rebates and Incentives Fund.)

Approved

65. Approve the issuance of a Letter of Intent and a rebate in the amount of \$115,104 to Investors Life Insurance Company of North America for the installation of a high efficiency lighting conversion system at the Austin Centre/Omni Hotel, located at 701 Brazos. This installation will save an estimated 288 kilowatts at a cost of \$400 per kilowatt saved. (Funding is available in the 1994-95 operating budget of the Conservation Rebates and Incentives Fund.)

Approved

66. Approve the issuance of a Letter of Intent and a rebate in the amount of \$55,148 to Marriott Corporation for the installation of a high efficiency lighting conversion system at the Austin Marriott at the Capital. This installation will save an estimated 138 kilowatts at a cost of \$400 per kilowatt saved. (Funding is available in the 1994-95 operating budget of the Conservation Rebates and Incentives Fund.)

Approved

Items 60-66 approved on Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 vote, Mayor Todd absent.

67. Approve the issuance of a Letter of Intent and a rebate in the amount of \$38,096 to Texas Commerce Bankshares for the installation of a high efficiency lighting conversion system at the Texas Commerce Bank Building, located at 700 Lavaca Street. This installation will save an estimated 107 kilowatts at a cost of \$356 per kilowatt saved. (Funding is available in the 1994-95 operating budget of the Conservation Rebates and Incentives Fund.)

Approved on Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0-1, Councilmember Garcia abstaining, Mayor Todd absent.

68. Approve the issuance of a Letter of Intent and a rebate in the amount of \$58,246 to Advanced Micro Devices, Buildings One and Two located at 5204 E. Ben White Blvd., for the installation of a high efficiency lighting conversion system. This installation will save an estimated 157 kilowatts at a cost of \$370 per kilowatt saved. (Funding is available in the 1994-95 operating budget of the Conservation Rebates and Incentives Fund.)

Approved

69. Approve the issuance of a Letter of Intent and a rebate in the amount of \$38,974 to Trammel Crow Central Texas, Inc., for the installation of a high efficiency lighting conversion system at The Arbor, Buildings One and Two located at 9442 N.

Capital of Texas Highway. This installation will save an estimated 109 kilowatts at a cost of \$357 per kilowatt saved. (Funding is available in the 1994-95 operating budget of the Conservation Rebates and Incentives Fund.)
Approved

70. Approve the issuance of a Letter of Intent and a rebate in the amount of \$143,434.40 to Norwood Properties, Inc. for the installation of a high efficiency lighting conversion system at the First State Bank Tower, located at 106 E. 6th Street. This conversion equipment installation will save an estimated 421 kilowatts at a cost of \$340 per kilowatt saved. (Funding is available in the 1994-95 operating budget of the Conservation Rebates and Incentives Fund.)
Approved

71. Approve the issuance of a Letter of Intent and a rebate in the amount of \$68,838 to Twin Towers Ltd. Partnership for the installation of a high efficiency lighting conversion system at the Twin Towers Office Center, located at 1106 Clayton Lane. This installation will save an estimated 193 kilowatts at a cost of \$356 per kilowatt saved. (Funding is available in the 1994-95 operating budget of the Conservation Rebates and Incentives Fund.)
Approved

Items 68-71 approved on Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 vote, Mayor Todd absent.

72. Approve the issuance of a Letter of Intent and a rebate in the amount of \$64,388 to Lake Austin Commons, Ltd. for the installation of a high efficiency lighting and conversion system at the Lake Austin Financial Plaza, located at 1717 W. 6th Street. This installation will save an estimated 204 kilowatts at a cost of \$315 per kilowatt saved. (Funding is available in the 1994-95 operating budget of the Conservation Rebates and Incentives Fund.)

Approved on Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0-1 vote, Councilmember Mitchell abstaining, Mayor Todd absent.

73. Approve the issuance of a Letter of Intent and a rebate in the amount of \$67,668.80 to Promus Hotels, Inc. for the installation of a high efficiency lighting conversion system at the Embassy Suites Hotel South, located at 300 S. Congress Avenue. This installation will save an estimated 173 kilowatts at a cost of \$391 per kilowatt saved. (Funding is available in the 1994-95 operating budget of the Conservation Rebates and Incentives Fund.)
Approved

74. Approve the issuance of a Letter of Intent and a rebate in the amount of \$70,240 to Promus Hotels, Inc. for the installation of a high efficiency lighting conversion system at the Embassy Suites Hotel North, located at 5901 N. IH-35. This installation will save an estimated 176 kilowatts at a cost of \$400 per kilowatt saved. (Funding is available in the 1994-95 operating budget of the Conservation Rebates and Incentives Fund.)
Approved

75. Approve the issuance of a Letter of Intent and a rebate in the amount of \$74,310.96 to Austin Diagnostic Clinic/HTI, located at 12111 MoPac Expressway, for the installation of an energy efficient air conditioning system, building envelope, and electric motors with variable frequency drives. Installation of this equipment will save an estimated 694 kilowatts at a cost of \$107 per kilowatt saved. (Funding is available in the 1994-95 Conservation Rebates and Incentives Fund.)
Approved

76. Approve the issuance of a Letter of Intent and a rebate in the amount of \$79,228 to Trammel Crow Central Texas, Inc. for the installation of a high efficiency lighting conversion system at the Temple-Inland Building, located at 301 Congress Avenue. This installation will save an estimated 214 kilowatts at a cost of \$370 per kilowatt saved. (Funding is available in the 1994-95 operating budget of the Conservation Rebates and Incentives Fund.)
Approved

Items 73-76 approved on Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 vote, Mayor Todd absent.

ITEMS FROM COUNCIL

77. Adopt an ordinance reappointing and waiving residency requirements for members of the Electrical Board. (Councilmembers Eric Mitchell and Brigid Shea)
Ordinance 941117-M approved
78. Approve a resolution requesting that the U.S. Air Force reevaluate and redirect its environmental remediation efforts at Austin-Bergstrom International Airport. (Mayor Bruce Todd)
Approved
79. Set a public hearing on the Austin Redevelopment Authority's proposal. (Suggested date and time: December 8, 1994 at 5:45 p.m.) (Councilmember Eric Mitchell)
Approved

Items 77-79 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 7-0 vote.

4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

80. C14-94-0117 - PHILLIPS AND COPUS CREDITORS (Allen T. Jacoby), by Graves, Dougherty, Hearon & Moody (David Herndon), 5601 to 5839 S. MoPac Expressway NB. From DR, RR & SF-2 TO MF-3. Planning Commission Recommendation: To grant MF-3-CO, Multifamily Residence (medium density) - Conditional Overlay, zoning with

the provisions of the overlay as follows: (1) limit the density to 25 units per acre and (2) development of the property shall be limited to less than 2,000 vehicle trips per day.

Approved Conditional Overlay relating to water quality requirements of Save Our Springs Ordinance (SOS), upon Councilmember Shea's motion, Mayor Pro Tem Nofziger's second, 4-0-1 vote, Councilmember Reynolds abstaining, Councilmember Mitchell out of the room, Mayor Todd absent.

Ordinance No. 941117-0 approved with amendment (SOS) on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Mitchell out of the room, Mayor Todd absent.

81. C14-93-0142 - THE ASSURED GROUP (Don Valk), by Sarah Crocker, 2005 to 2205 S. Pleasant Valley Road. From GR to MF-4. Planning Commission Recommendation: To Grant MF-4-CO, Multifamily Residence (moderate-high density)-Conditional Overlay, zoning subject to the limitation of the density to MF-3, Multifamily Residence (medium density) zoning which is 36 units per acre.

Public Hearing closed and 1st reading approved per Planning Commission's recommendation on Councilmember Reynolds' motion, Councilmember Mitchell's second, 6-0 vote, Mayor Todd absent.

82. C14-94-0113 - F.M. PROPERTIES OPERATING CO. (Ernest E. Howard), by Strasburger & Price, L.L.P. (David Armbrust), Rialto Boulevard. From CS to MF-2. Planning Commission Recommendation: To Grant MF-2, Multifamily Residence (low density) and RR, Rural Residence for the 100-year floodplain along the south property line.

Approved Conditional Overlay relating to water quality requirements of Save our Springs Ordinance (SOS) upon Councilmember Shea's motion, Councilmember Goodman's second, 4-0-1 vote, Councilmember Reynolds abstaining, Councilmember Mitchell out of the room, Mayor Todd absent.

1st reading approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 4-1 vote, Councilmember Goodman voting No, Councilmember Mitchell out of the room, Mayor Todd absent.

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

83. 4:30 P.M. - Public hearing to approve the temporary use of dedicated parkland known as Rebekah Baines Johnson Park on Town Lake, for temporary placement of offices for the Health and Human Services Department, in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code. (The cost associated with the temporary use included an estimated \$75,000 for site work which is included in the 1994-95

Capital budget of the Health and Human Services Department.)
[Recommended by the Parks Board]

Public Hearing closed on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote, Mayor Todd absent.

Approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote, Mayor Todd absent.

84. 5:00 P.M. - Public hearing and action to adjust the corporate boundary between the City of Austin and the City of Rollingwood. (This will result in a loss of \$60 per year in property tax revenue.)

Public Hearing closed on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote, Mayor Todd absent.

Ordinance NO. 941117-P approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote, Mayor Todd absent.

85. 5:30 P.M. - Public hearing on (1) an ordinance amending Chapter 5-7 of the Austin City Code; and (2) an ordinance establishing Chapter 5-7-A of the Austin City Code (Disparity Study Ordinances).
Postponed until December 8, 1994

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive Session was held on the morning of this date.

Executive Session was held from 4:35 P.M. until 5:03 P.M. on items 87, 88, 90, and 92.

Executive Session was held from 5:40 P.M. until 6:33 P.M. on items 91, 93, and 97.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters as specifically listed on the meeting agenda. Council would take any subsequent action in the open meeting as listed on the agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item listed on this agenda.

Advice of Counsel - Section 551.071

86. Discuss private use of the Electric Utility Department's Infrastructure.

Pending/Contemplated Litigation - Section 551.071

87. Discuss Cause No. 91-660; Lyndon Tilson v. Alejandro Sanchez, Jr., et al.
88. Discuss Civil Action No. A-93-CA-685-SS; Fernando Machado v. Jeffrey Slater, et al.
89. Discuss Cause No. 93-09884; Arlethia Mitchell v. Jack D. Bissett, et al.
90. Discuss Cause No. 94-01922; Tim Ramsey and Sue Ramsey v. The City of Austin and John D. Keeseey.
91. Discuss Cause No. 94-06387; South Cross Plaza v. City of Austin.
92. Discuss Cause No. 93-216901; David Winsman v. City of Austin, et al.
93. Discuss Cause No. 92-0637; Jerry J. Quick, et al v. City of Austin.

Land Acquisition - Section 551.072

94. Discuss special provisions of proposed lease agreement with Austin Hospital Authority.
95. Discussion of real property acquisitions for the Balcones Canyonland Conservation Plan ("BCCP").
96. Discuss fee simple acquisition for the Austin-Bergstrom International Airport.

Personnel Matters - Section 551.074

97. Discuss selection, compensation and benefit package of Municipal Court Relief Judges.

ACTION ON THE FOLLOWING

98. Authorize settlement of Lyndon Tilson v. Alejandro Sanchez, Jr., et al, Cause No. 91-660.

Approved settlement in the amount of \$110,000.00 on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Mitchell out of the room, Mayor Todd absent.

99. Authorize the negotiation and execution of a contract for purchase of a tract of land of approximately 294.702 acres from Corum Financial Corp., Inc. through the Texas Nature Conservancy for the Balcones Canyonland Conservation Plan ("BCCP").

Approved in an amount not to exceed \$1,591,390.80 on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0-1 vote, Councilmember Reynolds abstaining.

100. Authorize fee simple acquisition of real property located at 10800 Pearce Lane, Del Valle, Texas, for the Austin-Bergstrom International Airport Project and associated relocation costs.

Approved purchase price of \$173,000.00 and relocation costs of \$56,500.00 on Councilmember Garcia's motion, Councilmember Goodman's second, 7-0 vote.

101. Authorize fee simple acquisition of real property located at 4707 Fincher Lane, Del Valle, Texas, for the Austin-Bergstrom International Airport Project, and associated relocation costs.

Approved purchase price of \$21,000.00 and relocation costs of \$28,035.00 on Councilmember Garcia's motion, Councilmember Goodman's second, 7-0 vote.

102. Approve appointment, and compensation and benefit package of Municipal Court Relief Judges.

Approved appointments of David Spencer, Charles Wood, and Karrie Key, to receive compensation and benefit package of Municipal Court Relief Judges as on file with Human Resources Department, upon Councilmember Garcia's motion, Councilmember Goodman's second, 5-0-1 vote, Councilmember Mitchell abstaining, Mayor Todd absent.

103. APPOINTMENTS

ARTS COMMISSION - Sharon Watkins

BUILDING AND FIRE CODE BOARD OF APPEALS - Richard Follmer

DESIGN COMMISSION - Robert Mugerauer

ETHICS REVIEW COMMISSION - Mary Nell Mathis

HUMAN RIGHTS COMMISSION - Grace Gotschak, Rich Bailey, Sally McIntosh

RENAISSANCE MARKET - Carlos Rodriguez

Approved on Councilmember Shea's motion, Councilmember Goodman's second, 6-0 vote, Mayor Todd absent.

ITEMS FROM COUNCIL (continued)

104. Approve a resolution directing the City Manager to include the public in updating the Special Events in Town Lake Park Policy. (Councilmembers Goodman and Garcia)

Approved on Councilmember Garcia's motion, Councilmember Goodman's second, 7-0 vote.

105. Approve an ordinance amending Section 16-6-7 of the City Code of 1992 by suspending enforcement in the Central Business District until a presentation can be made to the Downtown Subcommittee. (Councilmember Goodman and Mayor Pro Tem Nofziger)
Postponed

RECESSED from 3:35 P.M. until 4:00 P.M. on Councilmember Mitchell's motion, Councilmember Goodman's second, 6-0 vote, Mayor Todd absent.

RECESSED from 4:35 P.M. until 5:03 P.M. for Executive Session on items 87, 88, 90, and 92.

RECESSED from 5:40 P.M. until 6:33 P.M. for Executive Session on items 91, 93, and 97.

ADJOURN at 6:40 P.M. on Councilmember Shea's motion, Councilmember Goodman's second, 6-0 vote, Mayor Todd absent.

Approved this 8th day of December, 1994, on Councilmember Goodman's motion, Councilmember Reynolds' second, 5-0-1 vote, Councilmember Garcia abstaining, Councilmember Shea absent.